

CHAPTER 230-ZONING
ARTICLE VII: SUPPLEMENTARY REGULATIONS

§ 230-40. Supplementary regulations applicable to residence districts.

- A. Accessory buildings.
- (1) An accessory building may be located in any required side or rear yard, provided that:
 - (a) Such building shall not exceed 15 feet in height.
 - (b) Except as provided in Subsection E(1) below for fences, such buildings shall be set back not less than five feet from any lot line.¹¹
 - (c) All such buildings in the aggregate shall not occupy more than 30% of the area of the required rear and side yards.
 - (2) Accessory buildings on adjoining lots constructed at the same time may be located in pairs or groups in the required rear or side yard along the common side lot line or rear lot line of contiguous lots.
- B. Relation of accessory buildings to streets. No accessory building shall project nearer to the street on which the principal building fronts than such principal building. Should topographic conditions be such that practical difficulties would be caused by this requirement with respect to the location of garages or if the principal building does not face upon the street or for that or other reason related to topography or the characteristics of the neighborhood the requirement that accessory buildings project nearer to the street than such principal building is not appropriate, the Board of Trustees may authorize the issuance of a special permit for the erection of such garage or other accessory building which may project nearer to the street than such principal building, the normal front yard setback requirements for a principal building to apply to such garage or accessory building unless the Board of Trustees shall specify otherwise and except that the Board of Trustees may authorize the issuance of a special permit for the erection of garages within not less than 10 feet of the street line where the natural slope of the ground within 25 feet of such line is between 12% and 20% and within not less than five feet of the street line where such slope within 25 feet of such line exceeds 20%.
- C. Corner lots.
- (1) Obstruction to vision at street intersections. At all street intersections in all residence districts, no obstructions to vision exceeding 30 inches in height above curb level shall be erected or maintained on any lot within the triangle formed by the street lines of such lot and a line drawn between points along such street lines 30 feet distant from their point of intersection, except tree trunks cleared to a height of eight feet.
 - (2) Rear and side yards. On a corner lot, front yards are required on both street frontages, and one yard other than the front yards shall be deemed to be a rear yard and the other or others, side yards. The minimum district requirements for each shall be complied with.
- D. Exceptions to lot depth requirements. The minimum lot depth at any point may be decreased to 75% of the minimum requirement if the average depth conforms to the minimum requirement.
- E. Exceptions to yard requirements.
- (1) Permitted obstructions. Cornices or cantilevered roofs may project not more than two feet into a required yard. Belt courses, windowsills and other ornamental features may project not more than six inches into a required yard. Fences or walls not over six feet in height or less than 25% solid may be erected anywhere on the lot, except as set forth in Subsection C(1) above. Fences or walls with a height in excess of six feet and more than 25% solid shall conform to the requirements set forth herein for buildings. Paved terraces, steps and walks, other than such as are needed for access to the buildings on the lot, shall not project within 15 feet of a street line or four feet of a property line. [Amended 9-12-1994 by L.L. No. 7-1994]
 - (2) Entries and porticos. A roofed-over but unenclosed projection in the nature of an entry or portico not more than eight feet wide and extending not more than six feet out from the front wall of the building shall be exempt from the requirements of this subsection when the building otherwise

¹¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I

complies with the regulations of this subsection. In computing the average setback, the presence of such entries and porticos shall be ignored.

- (3) Existing setback. No proposed one-family or two-family dwelling need have a front yard greater than the average setback of two or more existing dwellings located within 300 feet on each side of said proposed dwelling, on the same side of the street and within the same block and the same district.

F. Exceptions to height requirements for office buildings and laboratories. District height limitations shall not apply to chimneys, antennas, ventilators, skylights, water tanks, bulkheads, cooling towers, necessary mechanical appurtenances and similar features usually carried above the roof level in office or laboratory buildings, provided that:

- (1) The aggregate area covered by all such features shall not exceed 20% of the area of the roof of the building on which they are located.
- (2) The height of each such feature shall not exceed 15 feet above the district height limitations.
- (3) All such features, except antennas, shall be suitably screened in a manner which is in harmony with the building of which they are a part.

G. Existing small lots in all RA and RB Districts.

- (1) Less than required area or width. A lot owned individually and separately on January 22, 1962, and owned individually and separately at all times thereafter which has a total area or width less than prescribed herein may be used for a one-family residence in RA and RB Districts and a two-family residence in RB Districts, provided that such a lot shall be developed in conformity with all applicable district regulations, other than the minimum lot area and lot width requirements, and with the minimum side yards set forth below:

		For Lots With a Width of:		Minimum	Total of Both
		At Least or	Less Than	Side Yard	Side Yards
		More Than		(feet)	(feet)
		(feet)	(feet)		
For one-family residence in:					
RA-40	100	125		20	45
RA-25	75	100		15	40
RA-9	50	75		8	20
RA-5	—	50		5	13
RB	—	50		5	13
For two-family residences in:					
RB	50	75		8	20

- (2) Less than required depth. A lot owned individually and separately on January 22, 1962, and owned individually and separately at all times thereafter which has a depth less than that prescribed herein may be used for a one-family residence in RA and RB Districts and a two-family residence in RB Districts, provided that such lot shall be developed in conformity with all applicable district regulations other than the minimum lot depth requirement and provided that the rear yard is at least 25% of the lot depth.

§ 230-41. Accessory apartments. [Added 10-18-1982 by L.L. No. 8-1982]

- A. Accessory apartments shall be permitted in all single-family residential districts upon issuance of a special permit by the Board of Trustees, subject to the conditions and limitations contained in this section.
- B. No accessory apartment shall be installed or maintained except upon special permit granted by the Board of Trustees. Fourteen copies of an application for an accessory apartment shall be filed in the

office of the Village Engineer for submission and referral to the Board of Trustees. The application will be accompanied by 14 copies of a plan in such detail as the Board of Trustees shall prescribe. There shall be a public hearing upon the initial application. The application fee for a special permit for an accessory apartment shall be an amount set by resolution of the Board of Trustees.¹² Each such special permit for an accessory apartment shall be three years in duration, subject to earlier termination as provided in this section, and also subject to renewal by the Board of Trustees based upon an inspection by the Village Engineer or his designee. The Planning Board may require a public hearing on a renewal application but shall not be obligated to do so. [Amended 5-7-1990 by L.L. No. 2-1990; 6-27-1994 by L.L. No. 4-1994]

- C. Only a residence in existence prior to the date of the adoption of this section shall be permitted to have an accessory apartment.
- D. The owner or owners of a one-family residence in which the accessory apartment is located shall occupy at least one of the dwelling units on the premises. The special permit shall be issued to the owner of the property. [Amended 5-7-1990 by L.L. No. 2-1990]
 - (1) Should there be a change in ownership, the special permit use and the certificate of occupancy for the accessory apartment shall remain in effect for the balance of the term of the special permit and then shall become null and void. Thereafter, the tenant shall have 90 days to relocate; the second kitchen shall be removed by the owner within 60 days after the tenant leaves; and the house shall revert to a single-family status. Should the new owner decide to live in the structure and desire to continue the use of the second dwelling unit, then no later than 90 days prior to expiration of the special permit or, if ownership changes less than 90 days prior to such expiration, then within 90 days of the change of ownership, he shall apply to the Board of Trustees for a special permit. The special permit shall also become null and void 180 days after the death of the owner unless the property is also occupied by a surviving spouse who remains an occupant.
 - (2) Should there be a change in the residence of the owner, the special permit use and the certificate of occupancy for the accessory apartment shall become null and void. Thereafter, the tenant shall have 90 days to relocate; the second kitchen shall be removed by the owner within 60 days after the tenant leaves; and the house shall revert to a single-family status.
- E. The owner-applicant shall be required to file on the subject property a declaration of covenants at the Westchester County Clerk's office prior to the issuance of a special permit for an accessory apartment. This declaration shall be in favor of the Village of Croton-on-Hudson and state that:
 - (1) The special permit for an accessory apartment or any renewal of said special permit shall terminate upon the death of the undersigned or the survivor of the undersigned or upon the transfer of title to said premises or upon the undersigned no longer occupying the premises as his principal residence.
 - (2) The new owner of the premises shall have to apply to the Board of Trustees for a special permit to continue the accessory apartment.
- F. The owner of the premises or the lessee of the accessory apartment, both of whom shall be occupants of the premises, must be at least 55 years of age on the date the special permit is to be effective. [Amended 1-21-1985 by L.L. No. 1-1985]
- G. Only one accessory apartment per dwelling shall be permitted. [Amended 5-7-1990 by L.L. No. 2-1990]
- H. An accessory apartment shall be permitted only within the main structure and not within any accessory building. Additions to the residence shall be permissible if they do not increase the building perimeter. The character, degree and extent of any such addition shall be a factor to be considered by the Board of Trustees in passing upon a special permit application.
- I. An accessory apartment shall have separate access, not observable from the street, unless there is a single access from the front of the building with a split access inside the building.
- J. All code requirements under village law and other applicable laws and regulations shall be complied with and a building permit obtained for any changes or alterations requiring such permit.

¹² Editor's Note: The current fee resolution

- K. The habitable floor area of an accessory apartment shall be no less than 400 square feet and no greater than the lesser of 750 square feet or 33.3% of the habitable floor area of the dwelling in which it is contained. [Amended 1-21-1985 by L.L. No. 1-1985; 5-7-1990 by L.L. No. 2-1990]
- L. The lot size for buildings containing accessory apartments shall conform to the requirements of the district in which the building is located unless a variance shall have been granted by the Zoning Board of Appeals.
- M. The building shall, to the degree reasonably feasible, maintain the character and appearance of a single-family dwelling.
- N. A residence containing an accessory apartment shall have a minimum of three off-street parking spaces. In an RA-5 District, no expansion of the existing parking area shall be permitted in order to satisfy this off-street parking requirement.
- O. If the premises are not serviced by the village sewer system, approval of the Westchester County Board of Health shall be obtained before issuance of a special permit.

§ 230-42. Supplementary regulations for the Multiple Residence RC District.

- A. Exceptions to yard requirements. Garages designed so as to allow the use of the roof thereof as part of the grounds may be erected in side or rear yards, not nearer than four feet to any property line, provided that the average height of such wall or walls thereof which face a side lot line or a rear lot line is not in excess of six and one-half (6 1/2) feet above the average level of such lot line. The side yard provision may be eliminated, but not reduced, along any portion of a lot line where a building erected on an adjoining lot is built to the lot line, provided that the second side yard shall be increased to a minimum width of two times the width otherwise required.
- B. Exceptions to maximum coverage regulations. Where the Board of Trustees finds that the provisions of the required off-street parking space underneath the principal building or in such a way as to enable the roof thereof to be used as part of the grounds would be impractical, such Board may authorize the issuance of a special permit allowing accessory garages to cover an additional 10% of the area of the lot. Garages designed to enable the roof thereof to be used as part of the grounds shall be exempt from any coverage limitation.
- C. Length of buildings. No building shall exceed a length of 160 feet.
- D. Distance between buildings. The following minimum distances between buildings shall be observed:
 - (1) Between a principal building, other than a one-family dwelling, and a one-story accessory building: 20 feet.
 - (2) Between any two other buildings: a distance equal to the average height of such buildings at the points where such buildings are nearest one to the other.
 - (3) Notwithstanding any other provision, and except as provided hereinafter, no building on any lot shall intrude into the area enclosed by an arc of a circle with a radius of 60 feet extending 70° on each side of a line perpendicular to the center of any legally required window, other than a bathroom or kitchen window, and the exterior radii of such arc. All measurements shall be performed in horizontal projection at the sill level of the subject window. This limitation shall not apply to any wall of the same building the plane of which intersects the plane of the wall in which the subject window is located at an exterior angle of more than 80°. A minimum distance of 60 feet shall be maintained between the subject window and any wall parallel thereto, whether such wall is a part of the same or of another building on the same lot.
- E. Courts.
 - (1) Inner courts are prohibited.
 - (2) The minimum width of an outer court shall be 20 feet, and the depth thereof shall not exceed its width.

§ 230-42.1. Mixed occupancy. [Added 7-7-1993 by L.L. No. 4-1993]

Dwelling units may be permitted on the non-street-level story of buildings having nonresidential use on the street level, subject to the issuance of a special permit from the Board of Trustees and in accordance with the following conditions:

- A. Mixed occupancy shall be permitted in Central Commercial C-1 and General Commercial C-2 Districts only, and in buildings which conform to the New York State Uniform Fire Prevention and Building Code for the proposed mixed occupancy. [Amended 6-13-1995 by L.L. No. 7-1995]
- B. The nonresidential use in a mixed-occupancy building shall be limited to the street level and shall not exceed 5,000 square feet.
- C. The residential and nonresidential uses in a mixed-occupancy building shall have separate means of access (this is, the entrance/exit for residential use shall not be through the nonresidential use of the building and vice versa), except that the Board of Trustees may, at its discretion, approve the use of a common lobby or plaza.
- D. The nonresidential use of the building shall be provided with the number of parking spaces required by § 230-35 herein. In addition, two parking spaces per dwelling unit shall be provided for the residential use of the building. The requirement of this subsection may be waived by the Board of Trustees for buildings existing on the date of adoption of this section if there is insufficient area for parking on the site of a mixed-occupancy building.
- E. All utility, storage, service and parking areas on the site of the mixed-occupancy building shall be screened by means of landscaping and/or fencing to the extent deemed necessary and practical by the Board of Trustees, in order to minimize the impact of these areas upon the residential use of the building.
- F. Residential use shall not be permitted in buildings housing motor vehicle sales and service agencies, motor vehicle service stations, manufacturing, animal hospitals, bowling alleys or any other use deemed by the Board of Trustees to be incompatible with the residential use of the building.

§ 230-43. Non-residential buildings.

- A. Supplementary height regulations in RC, C-1, C-2, WC and PRE Districts. In RC, C-1, C-2, WC and PRE Districts, except for one- or two-family dwellings, where a lot has frontage on two or more streets or other public ways, the height limitation shall apply only as measured from the curb level along the street or way with a higher elevation above sea level. When penthouses, etc., are over 12 feet high and cover more than 20% of the roof area, measurements must be taken to the top of such penthouses or bulkheads. All penthouses, bulkheads, etc., must be 10 feet back of the front and rear walls of a building and three feet back of the side walls, except that walls of elevators and stair enclosures may be built on the side wall when required by the plan of the building. [Amended 5-7-1990 by L.L. No. 2-1990]
- B. Courts for nonresidential buildings.
 - (1) Inner courts. No inner court shall have a minimum dimension less than 1/2 of the average height of all surrounding walls.
 - (2) Outer courts. The minimum width of an outer court shall be 20 feet, and the depth thereof shall not exceed its width.
- C. Obstruction to vision at street intersections. The provisions of § 230-40C(1) shall also apply to corner lots in nonresidential districts. [Added 5-7-1990 by L.L. No. 2-1990]

§ 230-44. Signs. [Amended 5-7-1990 by L.L. No. 2-1990; 2-15-1999 by L.L. No. 4-1999; 3-19-2001 by L.L. No. 3-2001]

- A. Intent. The purposes of the signage regulations set forth in this chapter are to encourage the effective use of signs as a means of communication in the village; to minimize possible adverse effects of signs on nearby public and private properties; to maintain and enhance the visual and aesthetic environment; to improve pedestrian and vehicular traffic safety; and, to enable the fair and consistent enforcement of these sign regulations by the village.
- B. Conformance. Any sign shall be erected, replaced, moved or modified in conformity with the provisions of this chapter. All actions related to questions of conformance shall be subject to the review and decision thereon by the Planning Board. See Subsection K below for the regulation of temporary signs. Where the provisions of Subsections D through O below may be in conflict with the signage provisions relating specifically to the respective zoning districts in Subsection P below, the latter provisions shall apply.
- C. Application process.

- (1) Except as provided in Subsection K in connection with temporary signs, the Village Engineer shall receive, review and comment on conformance for all completed applications to erect, replace, move or modify signs. The Village Engineer shall then forward applications that are in substantial compliance to the Visual Environment Board (VEB) within five business days for VEB review and recommendation on the issuance of a sign permit. The Visual Environment Board's opinion shall be rendered to the Village Engineer and/or Planning Board within 21 days of receipt of said application. If the signage is part of an application for a site plan approval or a change of use approval, the Planning Board's decision on the site plan shall include its decision on the proposed signage.
 - (2) The payment of an application fee in accordance with the village's schedule of fees shall accompany all sign permit applications.
 - (3) The Village Engineer and VEB shall maintain a book of photographs and/or drawings representing the types and styles of signs preferred in the village in order to assist in expediting the application process.
- D. Relationship to use. All signs, except for temporary signs and except for the kind of billboards permitted in Subsection M below, must pertain to a use conducted on the same property on which the sign is located.
- E. Illumination.
- (1) Permitted signs may be illuminated, except where this chapter specifically prohibits certain signs from being illuminated. However, sign illumination shall not be twinkling, flashing, intermittent (except for time/temperature signs), or of changing degrees of color or intensity. Further, neon signs shall only be permitted on the inside of buildings. No sign shall contain or consist of Day-Glo-like material
 - (2) All light sources used for illuminating signage shall be shielded and shall not be a source of glare.
 - (3) Upon referral by the Village Engineer and/or VEB, the Planning Board may require the submission of an illumination plan and may regulate the number, placement, intensity and hours of illumination of all light fixtures used for signage.
- F. Placement. No sign shall be located so as to obscure any signs displayed by a public authority, nor shall any sign be placed in such a way as to obstruct proper vehicular sight distance. Further, signs shall not interfere with pedestrian or vehicular traffic flow, nor shall any sign interfere with any ventilation system, door, window, fire escape or other emergency exit.
- G. Movement, animation, removable letters, lights. No sign or sign component shall be moving, animated, rotating or revolving. Further, no sign shall contain removable letters, except for signs associated with educational, religious, or municipal institutions, gas stations, or with movie theaters. In addition, light strips and strings of lights shall not be used for advertising or attracting attention to a sign when they do not comprise the text of the sign.
- H. Maintenance and quality of signs. All signs and components thereof shall be kept in good repair and in safe, neat and clean condition. All signs and related illumination shall be of a professional quality with respect to such matters as design, painting, lettering, materials and construction.
- I. Nonconforming signs. All signs that do not conform to the provisions of this chapter shall be subject to the requirements of §§ 230-53 and 230-54 herein.
- J. Projecting signs. Marquee signs are permitted for theaters only. For all projecting signs, there shall be at least an eight-foot clearance above pedestrian rights-of-way and at least a fourteen-foot clearance above vehicular rights-of-way for permitted signs projecting from buildings. Signs shall not project vertically above the roofline or parapet, or extend horizontally beyond the limits of the building.
- K. Temporary signs.
- (1) Temporary signs are those which are displayed for short periods of time. Unless specified otherwise below, all temporary signs shall be limited in usage to a maximum of 45 days. Signs shall not be considered temporary if they are effectively displayed on an on-going basis, interrupted by short intervals when they are not displayed.
 - (2) The following types of temporary signs do not require a signage permit:
 - (a) "For Sale," "For Rent" or "Sold" signs. No more than two temporary signs, not exceeding six square feet in area each, are allowed for a single lot. One temporary sign, 16 square feet in

- area, is permitted for each real estate subdivision, set back at least 15 feet from the street line upon which the property is located. This signage usage shall be allowed beyond 45 days.
- (b) Temporary construction signs. The architect, engineer and contractors shall each be allowed one sign not exceeding six square feet in area. Such signs shall be permitted during the entire course of construction, but shall be removed at the end of construction.
 - (c) Temporary signs pertaining to election campaigns. Such signs shall not be subject to the forty-five-day limitation in Subsection K(1) above, but shall be removed within 10 days after the Election Day.
 - (d) Temporary signs pertaining to garage sales, tag sales or other business activities which have a duration of seven calendar days or less.
 - (e) Temporary signs pertaining to events of civic, philanthropic, educational or religious institutions shall not be subject to the size limitation contained in Subsection K(4).
- (3) Payment of a review fee in accordance with the village's schedule of fees shall accompany the application for signs which are subject to the issuance of a temporary sign permit.
 - (4) Except as provided in Subsections K(2)(a) through (e), temporary signs shall not exceed 16 square feet in area and shall not be illuminated.
 - (5) Temporary signs shall not have an adhesive backing and must be easily removable without residual markings.
 - (6) Temporary signs must also conform to all of the other provisions of this chapter, except with respect to being of a professional quality as required in Subsection H, above.
- L. Freestanding signs. No freestanding sign shall extend more than 10 feet from the ground to the top of the sign, except for a freestanding sign associated with a shopping center or a motor vehicle service station, which shall not extend more than 20 feet from the ground to the top of the sign.
- M. Prohibitions. The following types of signs and artificial lighting are prohibited:
- (1) Billboards, except for those which are existing on the effective date of these regulations and which are associated with a site which is on the National Register of Historic Places.
 - (2) Signs that compete for attention with or may be mistaken for a traffic signal.
 - (3) Searchlights, beacons, blimps and permanent balloons.
 - (4) Signs attached to or painted on trucks or other large vehicles when the vehicle is obviously marked and parked in such a manner as to advertise or attract attention to an establishment or business.
 - (5) Banners, flags, strings of balloons, flags or lights, or similar outdoor advertising, except on a temporary basis with respect to the opening, reopening or remodeling of the business (that is, limited to a maximum duration of 45 days).
- N. Consistent signage. Where a building or site is permitted more than one sign by the provisions of this chapter, all new signs shall be consistent relative to one another in terms of size, general shape and, if building-mounted, location on the building (mounting height). Further, the Planning Board may require the submission of a master signage plan for the site, which shows said consistency.
- O. Window signs. The combination of permanent and temporary signage applied to or placed within two feet of the interior of any given window shall be considered part of the signage in accordance with the provisions of this chapter. Further, in no event shall permanent window signage exceed 25% of the window on or within which it is located. Merchandise for sale is not considered part of the signage for purposes of this item.
- P. District standards. The following signage shall be permitted within the districts listed below and shall be regulated therein, as follows. Said signage shall also conform to the provisions of Subsections A through O above, as qualified in Subsection B.
- (1) One-Family Residence RA-40, RA-25, RA-9, RA-5 Districts; Two-Family Residence RB District; Multiple Residence RC District.
 - (a) With respect to nurseries and the seasonal sale of produce, signs shall conform to Subsection P(1)(e) below.
 - (b) With respect to funeral homes, there shall be no signs other than those permitted in Subsection P(1)(e) below.

- (c) With respect to customary home occupations, no display of signage shall be visible from the street, except as set forth in Subsection P(1)(e) below.
- (d) With respect to bed-and-breakfast establishments, one sign designating a bed-and-breakfast establishment shall be permitted, subject to the following conditions:
 - [1] The area of the sign shall not exceed two square feet.
 - [2] If freestanding, the overall height of the sign shall not exceed six feet as measured from finished grade to top of sign. NOTE: Refer to § 230-4, the definition of "building," and § 230-40A(1)(b) of this chapter.
 - [3] The sign shall not be internally illuminated.
 - [4] If externally illuminated, the illumination shall not exceed the equivalent of a one-hundred-watt bulb.
 - [5] If illuminated, the illumination shall be constant, shall be directed towards the sign and shall be shielded from the view of the street and neighboring properties.
- (e) Signs conforming to the following shall be permitted as accessory uses:
 - [1] One non-illuminated nameplate or professional sign with an area of not over two square feet.
 - [2] One externally illuminated bulletin board or other announcement sign for educational or religious institutions permitted in § 230-9A(4) of this chapter, with an area of not over 12 square feet.
- (2) Limited Office O-1 District. One non-illuminated sign facing a street and not exceeding an area of five square feet shall be permitted.
- (3) Limited Office O-2 District. One sign shall be permitted, provided that such sign is facing a street and as follows:
 - (a) The aggregate area, in square feet, shall be not greater than 1 1/2 times the length, in feet, of the wall on which it is placed.
 - (b) Such sign shall be parallel or perpendicular to the face of the building and no part thereof, including any illuminating devices, shall project more than 12 inches outward from the face of the wall to which it is applied for parallel signs and no more than 36 inches outward from the face of the wall to which it is applied for perpendicular signs.
- (4) Central Commercial C-1 District.
 - (a) Signs, accessory to an establishment located on the same lot shall be permitted, provided that such signs shall be limited as set forth in Subsection P(5)(b) below and as follows:
 - [1] Not more than one such sign, excluding signs in windows, shall be permitted for each tenant on the premises on each facade which fronts on a street.
 - [2] The aggregate area, in square feet, of all signs on any wall shall be not greater than two times the length, in feet, of the wall on which it is placed.
 - [3] Such sign or signs shall be parallel or perpendicular to the face of the building and no part thereof, including any illuminating devices, shall project no more than 12 inches outward from the face of the wall to which it is applied for parallel signs and no more than 36 inches outward from the face of the wall to which it is applied for perpendicular signs.
 - [4] In addition, where the building is set back from the curb-line a distance of 25 feet or more, not more than one freestanding sign with a total area on each face of not more than 40 square feet may be erected; provided, however, that the Zoning Board of Appeals may, in accordance with the procedure set forth in § 230-75B of this chapter, authorize the Village Engineer to issue a special permit for the erection or continuance of a freestanding sign with an area on each face not exceeding 40 square feet or such lesser area as the Zoning Board of Appeals may prescribe in instances where the building is set back from the curb or edge of traveled way less than 25 feet but 15 feet or more, subject to such conditions as the Zoning Board of Appeals may impose and with due regard to safety and other factors set forth in § 230-75B where the Board shall find that:
 - [a] The building in connection with which such sign is used or to be used was in existence on July 1, 1963, and has not after that date been altered to cause it to be closer to the curb-line or edge of traveled way; and

- [b] Other permitted signs are not, because of lack of visibility or other reason, adequate in the determination of the Zoning Board of Appeals and, for that or other reason, the Zoning Board of Appeals deems such sign to be necessary or desirable.
- (b) Motor vehicle service stations.
 - [1] Unless otherwise required by law, signs shall be limited to one freestanding sign and one exterior sign on each wall of a building fronting on a street and shall otherwise conform to the conditions for accessory signs set forth in Subsection P(5)(a).
 - [2] In connection with the sale of used cars or rental of vehicles at a service station. No temporary signs shall be permitted on the exterior of vehicles. Signs in the interior of vehicles shall be limited to one per vehicle, not to exceed 12 inches by 15 inches. Sign printing shall have characters not larger than one inch.
- (5) General Commercial C-2 District.
 - (a) Accessory signs shall be as permitted in the Central Commercial C-1 District as set forth in Subsection P(5).
 - (b) Drive-in theaters. In lieu of signs other than a sign permitted by Subsection P(5)(a)[4], a drive-in theater may have:
 - [1] The name of the theater on a sign affixed to the theater screen structure on the reverse side of the screen; and
 - [2] A supplementary sign on that same face announcing the feature attraction or attractions and containing other information customarily contained in theatrical announcements or the opening or closing date of the theater.
 - (c) Motor vehicle sales and service agencies.
 - [1] Unless otherwise required by law, signs shall be limited to one freestanding sign and one exterior sign on each wall of a building fronting on a street and shall otherwise conform to the conditions for accessory signs set forth in Subsection P(5)(a).
 - [2] No temporary signs shall be permitted on the exterior of vehicles. Signs in the interior of vehicles shall be limited to one per vehicle, not to exceed 12 inches by 15 inches. Sign printing shall have characters not larger than one inch.
- (6) Light Industrial LI District.
 - (a) Accessory signs. One sign shall be permitted facing each street from which access to the lot is provided. Such sign shall be applied onto the wall of the building and shall not exceed an area of 50 square feet or an area equal to 1 1/2 times the length, in feet, of the wall on which it is placed, whichever is less. All light sources shall be shielded from the view of adjacent lots and streets and shall, except for lights suitable for security purposes, be extinguished not later than 9:00 p.m. One identification sign at each point of access to the lot, with an area of not more than three square feet, shall also be permitted. A single directory sign, not exceeding eight feet in height, may be erected at the entrance of a complex of sites; each listing on such sign shall not exceed eight inches in height and two feet in length.
- (7) Waterfront Commercial WC District.
 - (a) Accessory signs. One sign shall be permitted facing each street from which access to the lot is provided. Such sign shall be applied onto the wall of the building, if any, and such sign shall not exceed an area of 30 square feet or an area equal to 1 1/2 times the length, in feet, of the wall on which it is placed, whichever is less. If there is no building, one freestanding sign shall be permitted, no higher than 10 feet from the ground, no greater than 30 square feet in area, and no closer than 25 feet to the nearest lot line. All light sources shall be shielded from the view of adjacent lots and streets and shall, except for lights suitable for security purposes, be extinguished no later than normal business hours as determined by the Planning Board.
- (8) Waterfront Development WD District.
 - (a) Offices and studios. Signs for professional offices and studios shall be subject to P(1)(e) of this chapter.
 - (b) Other uses. For uses other than specified in P(9)(a) above, one sign shall be permitted facing each street from which access to the lot is provided. Such sign shall be applied onto the wall of a building, if any, shall not exceed an area of 24 square feet and shall not extend beyond said wall in any direction. If there is no building, one freestanding sign shall be permitted,

shall be no higher than 10 feet above the ground, shall be no greater than 24 square feet in size and shall be no closer than 25 feet to the nearest lot line. All light sources shall be shielded from the view of adjacent lots and streets and shall, except for lights suitable for security purposes, be extinguished no later than normal business hours as determined by the Planning Board during the site development plan review process.

- (c) Directional, trail and project signs. Signage relating to vehicular, pedestrian and bicycle usage, traffic and parking shall be permitted, as shall an entry sign for the project itself. The locations, sizes, colors, materials and illumination of said signage shall be subject to the approval of the Planning Board as part of the site development plan review process.
- (d) All signs. All signs shall meet the standards of § 230-44 of this chapter. Every effort shall be made to avoid the blockage of views in the placement of signage on the site.
- (9) Supplementary regulations for any parking spaces adjacent to residence districts. Identification and directional signs shall not exceed an area of three square feet each and shall be limited to such as are essential for the particular use.
- Q. Modification of requirements. Where the Planning Board finds that strict compliance with the requirements of § 230-44 would cause unusual hardship or difficulty because of the specific circumstances of a particular situation, the Board may modify the requirements of said section so long as the Board finds that the public interest will be protected, and that any such modification will be consistent with the spirit and intent of this chapter. In permitting any such modification, the Planning Board may attach such conditions as are, in its judgment, necessary to substantially secure the objectives of the requirement so modified.

§ 230-45. Municipal buildings, structures and uses.

The height and bulk limitations contained in Articles VI and VII of this chapter shall not apply to any municipal building, structure or use in connection with a municipal governmental function where there exists an engineering or other reason related to the particular site, building and use proposed in respect of which the opinion, in writing, of an independent engineer or expert shall have been obtained to the effect that the proposed building, structure or use will better serve its municipal function if it is carried out in a manner which is not in strict conformity with such height and bulk limitations; provided, however, that notwithstanding the non-applicability of the height and bulk limitations in the circumstances set forth, any building, structure or use to which this section applies shall be authorized only by a resolution of the Board of Trustees which shall include:

- A. Findings of fact setting forth the engineering or other reason and the Board's determination to the effect above set forth.
- B. The Board's determination that the building, structure or use is for the purpose of carrying out a municipal governmental function.
- C. Referring to the opinion, in writing, of an independent engineer or expert with respect to the proposed building, structure or use and setting forth the substance of such opinion and the Board's determination that it complied with the foregoing provisions.
- D. The Board's determination that the proposed building, structure or use will be in general harmony with the general purposes and intent of this chapter, considered in the light of the overall health and welfare of the village and that it will not be detrimental to the public welfare.
- E. Prescribing such limitations and conditions with respect to the building, structure or use as the Board of Trustees may deem necessary or desirable.

§ 230-46. Amusement games and devices. [Added 3-8-1982 by L.L. No. 3-1982]

- A. No more than two amusement devices shall be maintained, exhibited or used in the same premises in any zoning district in the village at any one time.
- B. Subsection A above shall be inapplicable to any amusement device in existence at any premises within the village on January 1, 1982 provided that it remains at the same premises and to any substitute or replacement device of the same general character at the same premises.

§ 230-47. Performance standards.

- A. Restrictions on creation of dangerous and objectional elements. Every use subject to performance standards shall conform to the restrictions set forth in Subsections B and C below.
- B. Measurement at the point of emission. The existence of the following dangerous and objectionable elements shall be determined at the location of the use creating the same or at any point beyond, and these shall be limited as follows:
- (1) Explosives. Activities involving the storage or manufacture of materials or products which decompose by detonation are prohibited, except for those under the jurisdiction of the Police Department. The list of materials or products which decompose by detonation, when in sufficient concentrations, includes but is not limited to the following:
 - Acetylides
 - Ammonium nitrates
 - Anhydrous hydrazine
 - Azides
 - Black powder
 - Blasting gelatin
 - Chlorates
 - Cyclonite or hexogene (cyclotrimethylenetrinitramine)
 - Dinitroresorcinol
 - Dinitrotoluene
 - Dinol
 - Dynamite
 - Fireworks
 - Fulminates
 - Greek fire
 - Guanidine nitrate
 - Gun cotton (cellulose nitrate with nitrogen content in excess of 12.2% or pyroxylin)
 - Hexamine (hexamethylenetetramine)
 - Nitroglycerin
 - Perchlorates (when mixed with carbonaceous materials)
 - Permanganates
 - Peroxides (except hydrogen peroxide in concentrations of 35% or less in aqueous solution)
 - PETN (pentaerythritol tetranitrate)
 - Petryl [2-(N,2,4,6 -- tetranitroaniline) ethanol nitrate]
 - Picric acid
 - Tetryl (N-methyl - N,2,4,6 - tetranitroaniline)
 - TNT (trinitrotoluene)
 - (2) Fire hazards. All activities involving and all storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and adequate fire-fighting and fire-suppression equipment and devices standards in this industry. Burning of waste materials in open fires is prohibited. The relevant provisions of other state and local laws and regulations shall also apply.
 - (3) Radioactivity or electrical disturbance. No activities shall be permitted which emit dangerous radioactivity at any point. No activities shall be permitted which produce electrical and/or electromagnetic disturbances, except from domestic household appliances and from communications equipment subject to control of the Federal Communications Commission or appropriate federal agencies which adversely affect the operation at any point of any equipment other than that of the creator of such disturbance.
 - (4) Smoke. No emission shall be permitted any point from any chimney or otherwise of visible gray smoke of a shade darker than No. 1 on the Ringlemann Smoke Chart as published by the United States Bureau of Mines. (Power's Micro-Ringlemann Chart, McGraw-Hill Publishing Company, 1954, may be used.) This provision, applicable to visible gray smoke, shall also apply to visible smoke of a different color but with an equivalent apparent opacity.
 - (5) Other forms of air pollution. No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted which can cause any damage to health, to animals or vegetation or

to other forms of property or which can cause any excessive soiling of any paint; and in no event shall any emission of any solid or liquid particles in concentrations exceeding 0.3 grains per (standard) cubic foot of the conveying gas or air at any point be permitted. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500° F. and 50% excess air.

- (6) Liquid or solid wastes. No discharge shall be permitted at any point into any private sewage disposal system or stream or into the ground of any materials in such a way or of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements, except in accord with standards approved by the State Department of Health, Water Pollution Control Board or County Health Department. No accumulation of solid wastes conducive to the breeding of rodents or insects shall be permitted.

C. Measurement at the lot line. The existence of the following dangerous and objectionable elements shall be determined at the lot line of the use creating the same or at any point beyond said lot line, and these shall be limited as follows:

- (1) Noise. At the specified points of measurement the sound-pressure level of noise radiated continuously from a facility at nighttime shall not exceed the values for octave bands lying within the several frequency limits given in Table I after applying the corrections shown in Table II. The sound-pressure level shall be measured with a sound level meter and an octave band analyzer conforming to specifications prescribed by the American Standards Association, Inc., New York, New York (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, 224.3-1944, American Standards Association, Inc., New York, New York, and American Specification for an Octave Band Filter Set for the Analysis of Noise and Other Sounds, 224.10-1953, or latest approved revision thereof, American Standards Association, Inc., New York, New York, shall be used.)

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TABLE I

**Maximum Permissible Sound-Pressure Levels at
Specified Points of Measurement for Noise
Radiated Continuously From a Facility
Between the Hours of 7:00 p.m. and 7:00 a.m.**

Frequency Ranges Containing Standard Octave Bands (cycles per second)	Octave Band Sound Pressure Level (decibels re 0.0002 dyne/cm)
20 - 75	67
75 - 150	66
150 - 300	61
300 - 600	54
600 - 1,200	47
1,200 - 2,400	39
2,400 - 4,800	29
4,800 - 10,000	20

If the noise is not smooth and continuous and/or is not radiated between the hours of 7:00 p.m. and 7:00 a.m., one or more of the corrections in Table II below shall be added to or subtracted from each of the decibel levels given above in Table I.

TABLE II

Type of Operation or Character of Noise	Correction (decibels)
Daytime operation only	+5
Noise source operates less than 20% of any one - hour period	+5*
Noise source operates less than 5% of any one-hour period	+10*
Noise of impulsive character (hammering, etc.)	-5
Noise of periodic character (hum, screech, etc.)	-5
*NOTE: Apply one of these corrections only.	

- (2) Vibration. No vibration shall be permitted which is discernible to the human sense of feeling for three minutes or more duration in any one hour of the day between the hours of 7:00 a.m. and 7:00 p.m. or of 30 seconds or more duration in any one hour between the hours of 7:00 p.m. and 7:00 a.m. No vibration at any time shall produce an acceleration of more than 0.1 g or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, United States Bureau of Mines Bulletin No. 442, Seismic Effects of Quarry Blasting, on any nearby structure. The methods and equations of said Bulletin No. 442 shall be used to compute all values for the enforcement of this subsection.
 - (3) Odors. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be offensive at the specified points of measurement. Any process which may involve the creation or emission of any odor shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail. There is hereby established, as a guide in determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5, Air Pollution Abatement Manual, Copyright 1951, by Manufacturing Chemists' Association, Inc., Washington, D.C.
 - (4) Glare. No direct or sky-reflected glare shall be permitted, whether from floodlights or from high-temperature processes, such as combustion or welding or otherwise, so as to be visible at the specified points of measurement. This restriction shall not apply to signs otherwise permitted by the regulations.
- D. Elimination of nonconformities. Within 12 months after December 31, 1972, all existing uses, buildings or other structures shall comply with the applicable performance standards herein set forth; provided, however, that if the Zoning Board of Appeals finds that because of the nature of the corrective action required, the twelve-month period is inadequate, it may, as a special permit, grant not more than one extension for a period of not more than six months. All new uses, buildings or other structures shall comply with the applicable performance standards when put into operation.